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International Court of Justice

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Herman Wilhelm Goering, et al, on 25 January, 1946, 1000-1245; Lord Justice Lawrence, presiding.

COURT OFFICER: Your Honors, Defendants Kaltenbrunner and Streicher will be absent from this morning's session.

M. DUBOST: Yesterday I was reading from an official French document, which is in your document book. It is a report. It is a report which concerns the arrest of Jewish children in France, who were in private asylums or in public institutions where they had been put.

With your permission I will come back to a statement which I made previously, concerning the execution of orders given by the German General Staff, with the approval of the Minister for Foreign Affairs of the Reich, to arrest all French generals and imprison all the families of these generals, who were dissidents as far as collaboration was concerned.

From Article 21 of the Charter it seems clear that you, Tribunal, will not require facts of public knowledge to be proved. In the enormous amount of facts which we submit to you there are many which are known but are not of public knowledge. There are some, nevertheless, which are both known and also are of public knowledge in all countries.

In the case of the deportation of the family of General Giraud, I would like to remind the Tribunal of six principal points as to this deportation. In the first place, we all remember to have learned by the Allied radio that Madame Giraud, the wife of General Giraud --

THE PRESIDENT: What is it that you are going to ask us to take judicial knowledge of with reference to the deportation of General Giraud's family?

M. DUBOST: I requested, Mr. President, that the Tribunal, as far as this fact is concerned, according to the application of Article 21 of the Charter, to wit, that this provision specifies that the Tribunal will not require that facts of public knowledge be proved.

In the second place, I request the Tribunal to hear me in my exposition of

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of these facts, which we consider to be of public knowledge for they are known not only in France but in America, since the American Army participated in these events.

THE PRESIDENT: The words of Article 21 are not "of public knowledge" but of "common knowledge." It is not quite the same thing.

M. DUBOST: Before me now I have the French translation of this document, which is interpreted according to the French translation: "The Tribunal will not require that facts of public knowledge --" -- "notoriete publique" is the translation.

We interpret it thus; it is not necessary to bring documentary proof or evidentiary proof of a fact which is universally known.

THE PRESIDENT: Well, you say "universally known", but supposing the members of the Tribunal did not know the facts? How coult it then be taken that they were of common knowledge/ The members of the Tribunal may be ignorant of the facts. At the same time it is difficult for them to take cognizance of the facts if they do not know them.

M. DUBOST: I understand, Mr. President, it is a question of fact which will be decided by the Tribunal. The Tribunal will say whether they know or do now have knowledge of these six points which I submit to them.

THE PRESIDENT: The Tribunal will retire.

(Whereupon at 1020 hours the Tribunal recessed until 1030 hours)

THE PRESIDENT: The Tribunal is of the opinion that the facts with reference to General Giraud's deportation and the deportation of his family, although they are very probably matters of common knowledge or of public knowledge within France, cannot be said to be of common knowledge or of public knowledge within the meaning of Article 21, which applies generally to the world.

Of course, if the French Prosecution have governmental documents or reports from France which state the facts with reference to the deportation of General Giraud, the matter assumes a different aspect and if there are such documents the Tribunal will, of course, consider them.

M. DUBOST: I must bring proof that the crimes committed individually by the leaders of the German police in each city and in each region of the occupied

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countries of the West were the execution of the central will and permanent will of the German Government, which will permit me to take up one by one the accusations of which the defendants are guilty. This can only be done by submitting documents. You must consider as facts and as valid the depositions which I am about to read, which were collected by the American and French Army and the French Service for the Research of War Criminals. The Tribunal will excuse me if I am obliged to read numerous documents.

The proof of this systematic will can only be brought out if I bring out the proof that everywhere and in every case the German police used the same methods concerning patriots who were interned. The internment, the custody or arrest took place in France in civilian prisons, which the Germans had seized or French prisons which the French had requisitioned which they occupied and French officials were forbidden to enter there. Those in custody in all these penal institutions were subject to the same regime. We shall prove this through the reading of depositions of those arrested and who were in German penal institutions in France or in the Western occupied countries. This regime was absolutely inhuman and permitted those in custody to survive under the most precarious conditions.

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In Lyon at Fort Montluc, the women received for a total food ration a cup of herb tea at 7 o'clock in the morning and a ladle of soup with a small piece of bread at 17 hours. This is established by Document 555, which you will find in your document book, which we submit under the number 302.

THE PRESIDENT: I have not found the document.

M. DUBOST: The eleventh in the document book, F 555, first page of the document.

THE PRESIDENT: Yes, but you see, these document books are not paged or tabbed in any way. We have it now.

M. DUBOST: It is the first page of this document, second paragraph. This is an analysis of the depositions which were received. It is adquate to refer to this analysis from which we will read a few lines.

The person making the depositions declares that at their arrival at Fort Montluc, the prisoners who were taken in the round-up of the Gestapo on September 20, 1943, were stripped of all their property. The prisoners were treated in a brutal fashion. The food ration was quite insufficient. The modesty of the women was not respected.

On the second page there is evidence, dated the 9th of October, 1944, at Saint Gingolph. This deposition refers to the arrests made at Saint Gingolph, which were carried out in the month of September 1943. The witness relates on page 2, fifth paragraph, at the top of the page, number 2; after returning from the interrogation the young boys had their fingers burned by means of wadded cotton which had been dipped with gasoline.

THE PRESIDENT: Which paragraph on page 2?

M. DUBOST: The fourth paragraph -- fifth paragraph.

"On their return from the interrogation the young people had their toes burned by means of wadding, soaked with gasoline; others their ankles burned by means of a flame from a soldering lamp; others were bitten by dogs."

DR. MERKER (Counsel for Gestapo): The French prosecution submits documents which do not contain affidavits under oath and confirmations which do not show who took them. As a matter of principle I have to protest that these mere depositions of persons who did not take an oath and who didn't make whatever they had to say in the form of affidavits, should be admitted as proof.

THE PRESIDENT: Is that all you have to say?

DR. MERKER: Yes, sir.

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THE PRESIDENT: We will hear the answer from M. Dubost.

M. DUBOST: Mr. President, the Charter which admits evidence of public knowledge does not fix rules as to the way in which testimony should be received, which is submitted to you as proof. The Charter leaves one free to determine or decide as to certain documents, whether such and such a way of investigating can be accepted.

Now, the fashion or the way in which these investigations were carried out is quite legal, according to the customs and usages of my country. It is obvious, in fact, that the police transcripts were received without the witnesses having given the oath.

Moreover, according to the Charter, all investigations made to reveal or uncover war crimes must be considered as authentic proof. Article 21 says: "The Tribunal will not require that the facts of public knowledge must be proved but will take judicial notice of them. They will also consider as authentic proof the documents and official reports of the Governments of the United Nations, including those which were made by Commissions, established in different Allied Countries for investigation of war crimes, as well as the transcript of sessions and decisions of Military Tribunals or any other tribunals."

THE PRESIDENT: Mr. Dubost, is the document that you are reading to us either an official document or a report or is it an act or document of a Committee set up in France?

M. DUBOST: This report, Mr. President, comes from the Surete Nationale. You can establish that by examining the second sheet of the copy which you have in your hand, at the top to the left: "General Direction of the Surete Nationale." That is the top to the left, the second page: "Special Commissariat of Saint Gingolph."

THE PRESIDENT: May we see the original document?

M. DUBOST: Certainly. This document was submitted to the Clerk of the Tribunal. The Clerk or Secretary only has to bring that document to you.

THE PRESIDENT: Very well. Is this a certified copy?

M. DUBOST: Yes, it is a certified copy. It is a copy which is certified by the Director of the Cabinet of the War Ministry.

THE PRESIDENT: Mr. Dubost, I am told that the French Prosecutors have all the original documents and are not depositing them in the way which was done

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by the other Prosecutors. Is that so?

M. DUBOST: The French Prosecutor submitted the originals of yesterday's session, and they were handed over this morning.

THE PRESIDENT: Well, we wish to see the original document. We understand it is in the hands of the French Secretary. We should like to see it.

M. DUBOST: I shall send for it, Mr. President.

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(A document was submitted to the Tribunal).

M. DUBOST: This document is a certified copy of the original, which is preserved in the archives of the French War Crimes Commission. This certification was made, on the one hand, by the French Delegate of the Public Prosecution. You will see the signature of M. De Menthon, and it is certified also by the Director of the Cabinet of the Minister of Justice, M. Jombeau, with the official seal of the Ministry of Justice.

THE PRESIDENT: It does appear to be a governmental document. It is the act and document of a committee set up by France for the investigation of war crimes, is it not?

M. DUBOST: Mr. President, it is a document which comes from the general direction of the Surete Nationale, whichwas established by the French Committee for the Search for War Crimes.

The certified copy which you have was signed by the Director of the Cabinet of the Ministry of Justice in Paris.

THE PRESIDENT: I was not upon the question of whether it was a true copy or not; the question I was upon was whether or not it was, within Article 21, either a governmental document or a report of the United Nations, or a document of a committee set up in France for the investigation of war crimes. I was asking you whether it is, and it appears to be so. It is, is it not?

M. DUBOST: Yes, sir.

THE PRESIDENT: Do you wish to add anything to what you have said, M. Dubost?

M. DUBOST: No, I have nothing to add.

THE PRESIDENT: You may speak now, sir.

DR. MERKER: These reports are not reports of a government, and cannot be considered as such. They are only minutes which have been taken by police authorities, and are thus not at all authentic declarations of a government or a government agency.

I repeat, that these dispositions which have been taken before local police authorities have not been taken under oath, and I have to protest that they are introduced here and considered as proof.

THE PRESIDENT: Do you wish to add anything further?

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DR. MERKER: No.

THE PRESIDENT: Who is M. Binaud? J. Binaud?

M. DUBOST: He is the police inspector of the special police, who was attached to the special commissariat of Saint Gingolph.

I must point out an error which was made by the defense attorney, who said this was a petty police office. This is not true. This was a very important police service, which was a border service. Even though they are found in small towns, they are still part of a very important police service.

M. DUBOST: M. Dubost, you understand what the problem is? It is a question of the interpretation of Article 21. The Tribunal requires your assistance upon that interpretation, as to whether this document does come under the terms of Article 21. If you have anything to say upon that subject we will be glad to hear it.

M. DUBOST: Mr. President, it seems to me impossible that the Tribunal should not receive this document and documents such as this, for all these document bear, for authentication, not only the signatures of the French Govemment, but of the Delegate of the Ministry of Justice for War Crimes.

Examine the seal which is beside the second signature.

THE PRESIDENT: Tell us where the signatures are.

M. DUBOST: There is here, sir (indicating on document), a mention of that. This document was handed over by the French Ministry as a proof of the Service concerned with the seeking out of war crimes, and below is the signature of the Director of the Cabinet of the French Ministry of Justice. And you find, over this signature, the seal of the Ministry of Justice.

You read: "The Service for the Research of Enemy War Crimes."

THE PRESIDENT: Is this the substance of the matter, that there was an inquiry by the police?

Can't you hear? Is my voice not coming through to you, or is the translation not coming through to you.

M. DUBOST: The translation has not been completed.

THE PRESIDENT: I didn't complete the sentence. What I was asking was this. Is this the substance of the matter, that there was an inquiry by the police into these facts, and that police inquiry was recorded, and then

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the Minister of Justice, for the purposes of this Trial, adopted that police report? Is that the substance of it?

M. DUBOST: That is correct, Mr. President. I think that we are in agreement. The Service for the Research of Enemy War Crimes in France is directly attached to the Ministry of Justice. It carries out investigations. These investigations are made by the police authorities, such as M. Binaud, the inspector of special police, attached to the special commissariat of Saint Gingolph.

THE PRESIDENT: The Tribunal would like to know when the Service of Inquiry into War Crimes was established.

M. DUBOST: I cannot, from my memory, give you the exact answer, or the exact date, but this Service was established in France shortly after the liberation. Beginning in October of 1944, they already functioned.

THE PRESIDENT: Was it established after the police report was made?

M. DUBOST: In the month of September.

THE PRESIDENT: September of what year?

M. DUBOST: In September, 1944, this Service for the Inquiry into Enemy War Crimes in France was established. This Service gave orders --

THE PRESIDENT: Then the Police inquiry was held under the Service? You see, the police report is dated -- I think it would be better if you kept your earphones on. The police report is dated the 9th of October, and therefore the police report appears to have been made after the Service had been set up. Is that right?

M. DUBOST: You have the testimony, Mr. President. If you look at the top of the second page at the left, it shows the beginning of the testimony: "Purpose: Investigation of atrocities committed by Germans against the civilian population."

These investigations were prescribed by the Service of the Inquiry into War Crimes.

THE PRESIDENT: Yes. It appears, though, as if the Service was established in September, and this police investigation is dated the 9th of October.

The Tribunal will retire.

(Whereupon a recess was taken from 1105 to 1130 hours)

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THE PRESIDENT: The Tribunal has considered the arguments which have been addressed to it, and is of the opinion that the document offered by counsel for France is a document our committee set up for the investigation of war crimes within the meaning of Article XXI of the Charter. The fact that it is not upon oath does not prevent it being such a document within Article XXI, of which the Tribunal is directed to take judicial notice. The question of its probative value would of course be considered under Article XIX of the Charter, and therefore in accordance with Article XIX and Article XXI of the Charter the document will be admitted in evidence, and the objection of counsel for the Gestapo is denied.

The Tribunal would wish that all original documents should be filed with the General Secretary of the Tribunal, and that when they are being discussed in Court the original document should be present in Court at the time.

DOCTOR BABEL (Counsel for the SS): I have been informed that General Giraud and his family could possibly have been deported to Germany upon the orders of Himmler, but that they were treated very well and that they were billetted in a villa; that they were brought back to France in good health; that they are in perfect health and condition up to this date.

THE PRESIDENT: Forgive me for interrupting. The Tribunal are not now considering the case of General Giraud and his family.

What I was saying was that you were making some application in connection with the deportation of General Giraud, and were stating facts to us, what you allege to be facts, as to that deportation. The Tribunal is not considering that matter. The Tribunal has already ruled that it cannot take judicial notice of the facts as to General Giraud's deportation.

DOCTOR BABEL: I was of the opinion that what I had to say could explain the situation, and might facilitate and expedite the trial in that respect. That was the purpose of my inquiry.

THE PRESIDENT: What you wish to state . . . . I am merely pointing out to you that we are not now considering General Giraud's case.

DOCTOR BABEL: Yes.

M. DUBOST: If the Tribunal will permit me to continue. Thus it seems to me necessary to come back to the proof which I propose to submit. I must

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show the uniform methods and tortures which were used by each of the departments of the German Police.

THE PRESIDENT: I don't think the document which we have just admitted-- have you finished the document we have just admitted?

M. DUBOST: Yes, Mr. President; I have completed this and I will read from other documents. But first I would like to sum up the proofs which I wish to submit this morning through the reading of documents. I said that I was going to show that, through the uniform ill-treatments which were inflicted upon prisoners under interrogation by all departments of the German police, we come to the realization of a common will. I don't want to give you a direct proof as we did yesterday in relation to hostages in bringing you papers that were signed by Keitel notably, but we shall bring out in a certain fashion this uniformity of method which exposes a uniform will which can only go back to the head of the police; to the very center of the German Government, to which the Defendants belonged.

This document, 555, from which I have just read, relates to the ill-treatment of prisoners at Monluc and Lyon. I pass to document 556, which we shall submit under the number 308, which relates to the prisons at Marsaille, the document after 555 in the document book.

The Tribunal will note that is a trascript drawn up by the Military Security Service of Vaucluse concerning atrocities committed by Germans upon political prisoners, and this transcript reinforces the written deposition of M. Mousson, who was chief of an intelligence service.

"Arrested the 16th of August 1943. Then transferred the 30th of August 1943 to the prison Saint-Pierre in Marseille."

Last paragraph of the first page of this document. We read:

"Transferred to Marsaille, the frontier prison, 30th of August 1943. Placed in Room P, twenty-five metres long and five metres wide."

THE PRESIDENT.: Is that the last paragraph?

M. DUBOST: Document F-556. It is the last paragraph at the bottom of the page.

"There were seventy-five or often eighty in there. Two

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straw mattresses for three. Repulsive hygienic conditions. Lice. Fleas. Bed-bugs. Dreadful food. For no reason at all comrades were struck and put in their cells two or three days without food."

The following page, fourth paragraph.

"Taken into custody again the 15th of May in rather a brutal way. I was imprisoned in the prison of Saint Anne."

And the fifth paragraph of the same page:

"The conditions of life in Saint Anne were deplorable -- the hygienic conditions. Food was furnished by the National Relief Society."

Next page.

"The living conditions in Petites Beaumettes -- just enough food to keep one alive. No packages. Red Cross gives a great many, but we receive very few."

The prison of Poitiers. This was a prison entirely under the orders of the Germans. The following document, F-558, which we depose as No.304. Joined to this document, next to last and last page, a report from the American Information Service in Paris. The press department, October 18, 1944. The Tribunal should know that all these reports were incorporated with the documents which were presented by the French Office for the Investigation of War Crimes. We read under number two:

"M. C'laeys was arrested December 14, 1943, by the Gestapo and kept in custody in a prison "Pierre Levee" until August 26, 1944."

"During his imprisonment he requested a mattress since he was wounded from the war. The answer was that he would have one if he confessed. He had to sleep on straw which was two centimetres thick spread over the ground. Seven men in a room four metres long and two metres wide and two metres and eighty centimetres high. Twenty days without leaving the cell. His wounds bothered him and prevented him from going to the place of convenience. The Germans refused to bother about him."

Paragraph four B.

"Another prisoner weighed 120 kilograms and lost thirty kilograms in a month. He was kept in solitary confinement for a month. He was tortured and died of gangrene of the limbs. Wounds were caused by the torture having been inflicted. He died after ten days of agony, alone, and without

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any aid."

Under number five. Here are the torture methods.

"The victim was forced to double up; his hands attached to the right leg. They then threw him to the ground. They beat him with a huge stick for twenty minutes. If he fainted they threw a pail of water upon his face. This was done to make him speak. Mr. Francheteau was thus beaten four days out of six. Sometimes the patient was not bound. If he fell they picked him up by his hair and they continued."

Page two.

"At other moments the victim was placed nude in a cell of special collection and his hands were bound to an iron bar above his head. He was then beaten until he decided to talk.

"(b) The method above was not as common, but he has friends who saw electrical tortures. An electric wire was attached to the foot of the victim and another wire to different parts of his body. The torture was all the more horrible. In many cases the Germans had no exact ideas about what information they wished to obtain, and they merely tortured them in various ways."

And at the very end, the five last lines.

"A method of torture consisted in hanging the victim by his hands, which were brought behind his back until his shoulders were completely dislocated. Then they cut the bottom of his foot with razor blades and obliged him to walk on salt."

The prisoner Paucot, Document 506, which follows in your document book. We submit it under No.305. It also comes from the American War Crimes Commission. Page one, under the letter "A" you will read:

At that time, general report of Professor Paucot upon atrocities committed by the Germans in northern France and in Belgium is analyzed. This report tells about the activities of the German police in Arras, Bethune, Lille, Valenciennes, Malo les Bains, La Madeleine, Quincy, Loos, Belgium Saint Gilles, Fort de Huy, and Camp de Belveroo. This report is accompanied by seventy-three depositions from victims. From the examination of these testimonies the fact emerges that the brutal barbarity of the methods used

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during the interrogations was the same in divers places which we have visited This we find in an American report. I think it is not necessary to stress too much this fact since these syntheses are carried out in that way. The Tribunal may read

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moreover, page four, five, six and seven, a detailed description of the atrocities systematically used and identically practiced by all these German police to obtain avowals of confession. Page seven. I shall read to you the fifth paragraph.

"That the prisoner who tried to escape was captured and delivered from his cell to police dogs who tore him to pieces."

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Page seventeen, which is also the seventeenth page, second paragraph, of the German text. This is a reproduction of a report to M. Proville, which is an excerpt I shall read because of the nature of the facts. I quote:

"Condemned by the German Tribunal to eighteen months of imprisonment for possessing arms after having been in the prison Arras, Bethune and Loos. I was sent to Germany. As a result of ill-treatment in Eastern Prussia I was obliged to have my eyes looked after. Having been taken to an infirmary, a German doctor put drops in my eyes. A few hours later, after painful suffering, I became blind. After having spent several days in the prison of Fresnes they sent me to the clinic of Quinze-Vingt at Paris. Professor Guillamat examined me and certified that by a carrosive agent I had my eyes burned."

Under number 561 I shall read a document coming from the American War Crimes Commission, which we submit under the number 306. The Tribunal will find, page two, the proof that M. Herrera was present at tortures inflicted on various persons, and saw a Pole by the name of Riptz have the bottoms of his feet burned. Then he had his head split with an ax and then was shot after the skull had healed.

Commander Grandier, who had a limb fractured in the war of 1914, was threatened by those who conducted the interrogations to fracture his second limb, and this was carried out. He became half mad as a result of a hypodermic injection, and the Germans caused him to disappear or did away with him.

We are concerned to avoid as far as possible, but it is quite necessary that the Tribunal should know entirely these American official documents, which all show in a very precise way the tortures which were carried out by the different German police services in numerous regions of France, which show obviously the uniformity of the methods used.

The following document, S-571, which we submit as 307, which we shall only read one paragraph of, four pages, page thirty-six, the third paragraph from the bottom; the fourth paragraph of page twenty of the German text.

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M. Robert Vanessche, living in Tourcoing -- page thirty-six, the last page of document No. 571 -- M. Robert Vanessche reciting at Tourcoing, states:

"I was arrested the 22 of February 1944 at Mouseren in Belgium by the Gestapo who were dressed in civilian clothing. During the interrogation they were clad in military garb."

I skip a paragraph.

"I was interrogated the second time at Gand, at the main German prison, where I remained thirty-one days. There I was shut up for two or three hours in a sort of wooden coffin through which one could breathe only by nine holes in the top."

Page thirty-eight of the same document.

M. Remy Marcel, residing at 112 Rue de Cimetiere at Armentieres, states:

"Arrested May 2, 1944, at Armentieres. I arrived at the Gestapo headquarters and taken to Rue Francois Debats at La Madeleine the same day about three o'clock. I was subjected to interrogation on two different occasions. At first for about an hour lying on my stomach. I received about 120 blows with a whip. The second interrogation lasted a bit longer. The same thing followed; lying on my stomach and I also received blows with a whip. As I did not wish to say anything, they unclad me and put me in a bathtub.

"The 5th of May I was subjected to interrogations at Loos. That day they hung me by my feet and blows rained over all my body. As I refused to speak they unbound me and put me again on my stomach. As the suffering drew cries from me they kicked me in the face with their boots. The result was I lost seventeen lower teeth."

There follows the name of two of the torturers which are of no concern to us here. We are merely trying to show that everybody, whether those two did the torturing, used the same methods. They could only have done it through carrying out orders which were given by their chiefs.

Page forty-six, the testimony of M. Guerin, first paragraph, eighth line.

"Not wishing to admit anything, one of them carrying on the interrogation put my scarf around my mouth to stifle my cries. Another German policeman took my head between his legs and two

others, one on each side of me, began to strike me with a blub on my loins. They each struck me twenty-five times, every time I got up. This session lasted two hours. The next morning they began again and it lasted as long as the day before. These tortures were inflicted upon me because on the 11th of November I had taken part in the manifestation by placing awreath on the monument to honor the dead of the war of 1914-18 with my comrades of the resistance." Page forty-six. Page twenty-nine of the German text. Report of Mr. Alfred Deudon. Paragraph three. Here is the ill-treatment which was inflicted upon him.

"18th of August the sensitive parts were struck with blows from a hammer. 19th of August was passed under the water. Then I had my head placed in a squeezing apparatus. 21st and 24th of August I was chained day and night. 26th of August I was chained day and night and hung for a certain time by the arms."

Page forty-nine; page thirty of the German text. Report of M. Delltombe.

"Arrested by the Gestapo June 14, 1944.

Paragraph two I read:

"Thursday, June 16, at eight o'clock in the morning, they took me to the cellar where they carried out their tortures. There they asked me to confess the sabotage which I had carried out with my group, and asked me to denounce my comrades as well as my hiding places. Because I did not they applied the torture again. They made me put my hands behind my back. They put special handcuffs on me and they hung me by my wrists. Then they struck me with a whip, principally on the loins and in the face. That day the torture lasted three hours.

"Friday, June 16, the same thing took place but for an hour and a half, for I couldn't stand it any longer, and they took me back to my cell on a stretcher.

"Saturday the tortures began even more strongly. Then I was obliged to confess my sabotage, when they stuck all sorts of needles in my arms. At that time they left me alone until August 10; then they brought me back to the office and said that I was to be condemned to death. I was taken

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towards Brussels, from which I was freed from the train of deportees on the 3rd of September by Brussels patriots.

Women were subjected to the same treatment as the men. The tortures were physical tortures. The sadism of the torturers added moral torture, being especially painful for a woman or a young girl to be unclad and made nude by her executioners. The state of pregnancy did not keep one from being beaten, and whrn the brutality brought about an abortion they were left without any care, exposed to all complications as a result of this criminal abortion.

This is the text of the summary drawn up by the American Major who carried out this investigation. The Tribunal will find, at page 58, page 36 in the German text, at the bottom of the French text, the report of Madame Sindemans, who was arrested in Paris the 24th of February, 1944, by four soldiers who each had a machine gun, and two other Germans in civilian clothes holding a revolver:

"Having looked into my handbag, they found three identification cards. They discovered in my room the passes of the kommandantur and German workman cards, which I had succeeded in stealing from them the day before."

Page 59: I shall quote the second paragraph of the French text:

"Immediately they placed handcuffs upon me and took me to be interrogated. Not giving them a reply, they slapped me in theface with such force that I fell from my chair. Then they whipped me with a rubber full in the face. This interrogation began at 10 o'clock in the morning and ended at 11 o'clock that night. I must say that I had been pregnant for three months."

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We shall submit now Document 563 and 564 under the one number of 308. It is a report which was carried out concerning the atrocities committed by the Gestapo of Bourges. We shall read from a part of this report, page 6 of the French text, page 5 of the German text.

THE PRESIDENT: How do you establish what this document is? It appears to be the report of M. Marc Toledano.

M. DUBOST: That is correct, Mr. President. It is this report. This report was incorporated into the document with the remainder of documents which were collected by the French commission for Crimes of War, with the official signatures which were approved by M. Tombeau on the original, which is in your hands or in the hands of the Secretary of the Court. We shall read from it, page 5. This is the first page of the original:

"I, the undersigned, Madame Bondoux, supervisor at the house of arrest Bourges, certify that nine men, most young people, were subjected to arduous treatment. With their hands bound behind their backs, chains on their feet, it being absolutely impossible for them to carry on a normal way of living, they screamed with hunger. Faced with this state of affairs, several of the prisoners manifested their desire to come to their aid by making small parcels for them, which were taken from their own provisions and which I handed over to them in the evening. One, a certain German supervisor whom I knew under his first name, Michel, threw their bread in a corner of the cell and came up at night to beat them. All these young people were shot the 20th of November, 1943.

"On the other hand, a woman named Hartwig, residing in Chavannes, I believe, said she remained bound for four days to a chair. At all events, what I can verify is that she had her body completely bruised."

Page 6, page 5 of the German text; we shall read the statement of M. Labussiere, who is a reserve captain at Marseilles-les-Aubigny. Eighth line from the bottom of the page:

"The 11th I was beaten twice with a whip. To receive the blows I had to bend over a bench. The muscles of my thighs and my calves were stretched out. I received at first 30 blows from a huge whip. Then the session continued with another instrument which had a buckle at the end. I then was

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struck on the anus, on the thighs, and on the calves."

Following page: "He made me spread my legs. Then he completed with a very thin whip, with which he gave me 20 more blows. When I arose my head turned and I fell to the ground. I was lifted by kicks of a boot. Needless to say, the handcuffs were never taken away from my wrists."

I recoil before the reading of the rest of this testimony.

To go to the bottom of page 7, third line before the end:

"From twelve to ten hours after having beaten a woman, Paoli came to see me and said I could go. 'You have no courage. It is your wife that I have just beaten. I will act as though you said nothing.' He wished that I should give him a place at which I met my comrades and their names.

"From 14 to 16 o'clock I was taken to the tortue chamber. I could hardly stand up or could hardly crawl. Before permitting me to come in Paoli said, 'I give you five minutes to tell me all that you know. If in five minutes you have said nothing you will be shot at 3 o'clock. Your wife will be shot at six, and your child will be sent to Germany'."

Page 9: "After signing the interrogation the German said: 'Look at your face, the condition we can put a man in in five days. You are not through yet.' And he added, 'Now get out of here. You fill us with disgust'. Covered with ordure from head to foot, they put me in a carriage and took me back to my cell. For at least five days I certainly received more than 700 blows with a whip. A great hematoma appeared on two of my buttocks. A doctor and his comrades in custody would not come near him because he smelled so badly, because his body was covered with abscesses. The 20th of November, the date at which he was interrogated, he had not yet recovered from his wounds."

Page 10, his testimony concludes by a general specification of the punishment methods used. First, a whip; secondly, the bath. The man to be tortured was plunged headfirst into a bathtub full of cold water until he was asphyxiated. Then they gave him artificial respiration. If he didn't talk, they began again several times in succession. With clothes soaked, he spent the night in a cold cell. Third, electric current: The poles were

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placed in his hands, then at his feet, then in his ears, then in the anus and on the end of the penis. The crushing of his testicles was done with an instrument

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prepared for the purpose. The twisting of the testicles was frequent. Hanging: the patient was handcuffed, his hands behind his back. A hook was placed on his handcuffs, and by a pulley the victim was lifted. In the beginning they lifted him up and then let him fall down rapidly. Then they left him suspended for more or less longer periods. His arms were often dislocated. I saw in the camp Lieutenant Lefevre, who had lost the use of both arms, having remained suspended for more than four hours.

"Sixth, burning with a soldering lamp or with matches. The 2nd of July my comrade Laloue came to the camp, a teacher from Crer, who had been subjected to the greatest part of these tortures at Bourges. He had one arm congested and couldn't function any finger of the right hand as a result of being hung. He had been subjected to whipping and electricity. He had been burned by matches, which had been placed under all the nails in the hands and feet, matches which were cut. His wrists and ankles were surrounded with rings of wadding. Fire then was set to the waddings and to the matches. While everything was burning, a German several times plunged a pointed knife into the sole of his foot and another whipped him. The phosphorus burns ate up certain of his toes to the second phalanges. Abscesses were formed and had broken. That saved him from blood poisoning."

Page 13 of the same document, page 14 in the German text, we read, under the signature of one of the chiefs of the general staff of the French Forces of the Interior who freed the Department of Crer, M. Magnon - signature authenticated by French official authorities whom you know.

"From the liberation of Bourges, September 6, 1944, an inspection in the cellars of the Gestapo revealed an instrument of torture, a ring composed of several balls of hardwood which had steel points on them, so arranged that the bracelet might be put around the wrist of the prisoner. This bracelet was seen by numerous

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soldiers and chefs of the Maquis de Menetou-Salon. It was in the hands of the Adjutant Neuilly, now in the first battalion of the 34th Demi-Brigade. A drawing is attached to this statement.

"Commander Magnon, under-signed, certifies having seen the instrument which is described above."

We now submit document F-565, coming from the military security service of the Department of Vaucluse, which takes No. 309. It is a repeition of the same methods, which I do not believe we must dwell upon.

We will now turn to document 467, which we submit under number 310, which relates to tortures practised by the German police services in Besancon. Page 1 of our French text and of the German text is a deposition of M. Dommergues, Professor at Besancon. This deposition was collected by the American War Crimes Commission--mission of Captain Miller--and we shall read from the statement of M. Dommergues, Professor at Besancon.

"Arrested 11th of February, 1944. Violently struck with a whip during the interrogation. While a woman who was being tortured uttered screams, they made him believe that it was his own wife. He saw a comrade hung with a weight of 50 kilograms on each foot. Another had his eyes pierced with pins. A child became completely "aphone."

This is from the American War Crimes Commission, which sums up the deposition of Mr. Dommergues. This document includes a second part, 567b. We shall read from pages 3, 4, 5, 6 and 7 from this document, page 9 of the German text.

THE PRESIDENT: Whose statement is it? One of the members hasn't got his document marked, and I want to know whose statement it is you are going to refer to. Is it Dr. Gomet?

M. DUBOST: It is from Dr. Gomet, Secretary Member of the Council of the Departmental College of the National Order of Physicians. This letter is addressed by him to the chief doctor in Besancon,

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11th of September, 1943, Chief Doctor of the Feldkommandantur of Besancon. Here is the text of this letter.

"Chief Medicine Doctor and Honorable Colleague:

"I have the honor to deliver to you the note which I have drawn up on your request and addressed to our colleagues of the department in our memorandum of September 1st. I must, on the other hand, in full conscience take up another subject with you.

"Quite recently I had to give care for a Frenchman who had wounds and ecchymoses of his face and his body deduced by torture apparatus which the German security used. This is a quite honorable man, an important state official of the French Government who was arrested because they considered him susceptible of furnishing certain information, and he was not suspected of anything, as is proved by his being freed after a few days after the interrogation was terminated to which they wished to subject him.

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"Torture was inflicted upon him, not as a legal penalty as any legitimate defense, but for the purpose of forcing him to speak through the use of violence and pain. As for me, who represents here the French medical corps, my conscience forces me to do this and my strict duty forces me to point out to you what I have just observed in exercising my profession. I appeal to your conscience as a doctor, and request, since you have the mission of protecting the physical health of your fellow humans, as all doctors are required to do, that we have no right to intervene."

Returning to page 4. There must have been a reply to the doctor, for Dr. Gomet writes him a second letter, and here is the text:

"Honorable Chief Doctor and Honorable Colleague:

"You were willing to note the facts which I explained to you in my letter of September 11, 1943, regarding the torture apparatus utilized by the German security service during the interrogation of a French official whom I had to care for subsequently. You asked me, as is quite natural, to visit yourself the person in question. I replied to you at the time of our recent meeting that the step made by me was not known to the person concerned, and I did not know whether he would authorize me to have it known. I wish to specify, in fact, that I claim for myself alone the responsibility for this initiative. The person through whom I learned for professional reasons the facts which I have just related to you had nothing to do with this report. The question is strictly professional. My conscience forced me to bring this matter to your attention. I advance only what I know from certain observations, and I guarantee on my honor as a man, as a physician, and a Frenchman the truth of my statement.

"My patient was interrogated twice by the German security service the last days of August, 1943. I had to examine him on 8 September 1943, that is to say, about ten days after he left prison, where he had in vain demanded medical attention.

"He had a partial ecchymosis on the left and scratches on the temporal region at the right, which he said were made with a sort of circle which they had placed upon his head and upon which they struck with small clubs. He had had contusions on the dorsal side of his hands, these having been taken, accord-

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ing to what he told me, and placed in a squeezing apparatus. He had, at the anterior side of his legs, scars covered with crusts of superficial wounds, which were the result, he told me, of blows administered by flexible clubs armed with little points.

"I cannot affirm the method in which these contusions and wounds were produced. I note that they seemed to relate through their aspect to the explanations which were given to me.

"It will be easy for you, honorable chief physician, to learn if the apparatus of the kind to which I allude are really in use in the German security service."

I skip over the rest.

THE PRESIDENT: It may be convenient for Counsel and others to know that the Tribunal will not sit in open session tomorrow, as it has many administrative matters to consider. We will adjourn now until 2 o'clock.

(Whereupon, at 1245, the Tribunal adjourned to reconvene at 1400.)

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Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 25 January 1946, 1400-1700, Lord Justice Lawrence, presiding.

COURT CLERK (Captain Priceman): If your Honors please, the defendants Kaltenbrunner and Streicher will continue to be absent this afternoon.

M. DUBOST: We started this morning with the enumeration of the tortures that had been inflicted as a regular thing by the Gestapo in the various cities in France where inquiries were conducted, and I was presenting to you through the reading of numerous documents that everywhere the accused, and frequently the witnesses themselves, were questioned with brutality on matters that were usually identical, which proved, so we thought, by the systematic repetition of these same procedures of torture the existence of a common determination, which found its origin in the very leadership of the police service and also within the heads of the governments themselves.

We still have a great many testimonies, all of which have been extracted from the report of the American services, which concern the prison at Dreux, the prison at Morlaix, and the prison in Metz. All these testimonies are given in Documents 689, 690, and 691, which we are now presenting to your under No. S-311, 312, and 313. With your permission, sir, I will now abstain from further citing these documents. The same facts are cited systematically, and the same is true for the tortures inflicted in Metz, in Morlaix, and in Marseilles. These are cited in Documents 692, 693, 565, and 694, which we are presenting to you under Nos. 314, 309, and 315.

We now come to one of the most odious crimes committed by the Gestapo, which it is not possible for us to remain silent about in spite of our desire to cut short these sittings. It is a crime involving the murder of a French officer by the services of the Gestapo at Clairmont-Ferrand, in the southern zone, and therefore in a zone which was considered to be free according to the terms of the Armistice -- a murder which was committed under conditions extremely shameful and scorning all the rules of common and international law, and perpetrated in a region in which, according to the

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stipulation of the Armistice, the Gestapo had no reason or authorization to operate

This French officer was named Major Henri Madeline. His case is recited in Document 595, which we submit under No. 316. He was arrested on the 1st of October, 1943, in Clairmont-Ferrand. The questioning began in January, 1944, andhe was struck in such a savage manner in the course of the first interrogatory that when we was brought back to his cell his hand was already split. On the 27 January he was exposed to two new interrogatories. This document is brought together between the green covers in your document book, No. S-575.

On the 27 January he was questioned again on two occasions, during which he was so violently struck that when he returned to his cell it was impossible to see the manicles which he wore on his hands, so swollen had his hands become. The following day the German police came back and seized him in his cell. He had been under agony throughout the night. They took him while he was still alive and he was thrown on a road a kilometer from a small village, Peringant-Les-Sarlieves, in France, to give the impression that he had been the victim of a traffic accident. His body was later discovered, and an autopsy revealed that his buttocks had been completely crushed and that he had multiple fractures of the ribs and perforations of the lungs, as well as wounds of the spine, a fracture of the lower jaw, and a general dislocation of the tissues in the head.

We all know that a few French traitors did participate in the arrests and in the misdeeds of the Gestapo in France under the orders of German officers. One of such traitors, who was arrested when our country was liberated, has described the ill-treatments that had been inflicted on Commandant Madeline. We are going to read the statement made by M. John Verniers on this subject:

"He was struck with a stick, a bludgeon. He was struck on his finger-nails, and his fingers were crushed. He was obliged to walk barefooted on stiff tacks. He was burned with cigarette butts. Finally, he was thoroughly beaten and taken back to his cell. He was at the point of death."

Major Madeline was not alone to be the victim of such evil treatment

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in which numerous German officers of the Gestapo participated. This inquiry has shown that twelve known persons succumbed to the tortures inflicted by the Gestapo of Clairmont-Ferrand, that some women were stripped naked and beaten before they were raped. I am concerned not to lengthen thesedeliberations by useless citations. I hope the Tribunal will consider the facts that I have presented as constant facts. They are cited in the document that we are placing before you, where the Tribunal may find in extenso the written testimony collected on the day which followed the liberation. This systematic repetition of identical criminal proceedings in order to achieve an identical purpose, which was to bring about the reign of terror, was not the result of orders given by a subordinate who had authority only on the territory of France and who was not under the control of his government or of the Army General Staff. The same horrors, the same atrocities, were repeated in a systematic basis on all countries of the West. When one examines the manner in which these things were perpetrated by the German police, one finds that they were identical in all those countries, whether it be the case of Denmark or Belgium or Holland or Norway. Everywhere and at all times the interrogations conducted by the Gestapo were made with the same savage attitude and method, the same scorn of the rights of defense, and with the same scorn of human person.

In the case of Denmark, we are citing from a document already placed before the Tribunal, under No. 317, which contains an official report from the Danish Government, dated October, 1945. I am merely citing a few lines from this document. You will find them in the small book of documents within the large book that was delivered to you this morning. I should like to cite a few lines which we think are a summary of the whole question. This is Document F-666, which should be the sixth in your small book of documents, No. 6.

THE PRESIDENT: Does it come after 641-A?

M. DUBOST: Yes, Mr. President.

From the Danish memorandum of October, 1945, concerning the German major war criminals who appear before the International Military Tribunal, page 5, under the title "Torture" we read, in a brief resume, everything

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that concerns the question with respect to Denmark:

"In numerous cases German police and their Danish assistants employed torture in order to force the prisoners to confess or to give information. This fact is supported by irrefutable evidence. In most cases the torture consisted in lashing or beating with sticks or with a rubber bludgeon."

It is on page 5 of the Document 666, under the title of "Torture", which will leave lasting infirmities. Bovensicpen has stated that the order to employ torture came in certain cases from the higher authorities, perhaps from Goering as Chief of theGeheime Staatspolizei, but, in any event, from Heydrich. The instructions had for their purpose that torture might be used in order to force those who were tortured to give information that might serve to uncover subversive organizations which were aimed at the German Reich, but not for the purpose of bringing the delinquent to confess his own acts."

A little further on: "The means prescribed were, among other things, a specified number of beatings with a stick. Bovensiepen doesn't remember whether the maximum limit was ten or twenty blows. An officer from the criminal police was there, and also when circumstances so required there was a medical officer present."

The above cited instructions were modified several times in the smaller details, and at regular intervals they were brought to the attention of all members of the criminal police. The Government of Denmark points out, in conclusion, two cases particularly repugnant of torture inflicted upon Danish patriots. They are thecases of Professor Mogens and the severities against Lt Col. Ejnar Thiemroth.

In conclusion, the Tribunal may wish to read that Doctor Hoffman-Best states that his official prerogatives did not authorize him to prevent the resort to torture. In the case of Belgium it should be first recalled the tortures that were inflicted in the tragically famous camp of Breendonck

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where hundreds and thousands of Belgium patriots were incarcerated. We shall come back to the case of Breendonck when we will dealwith the case of concentration camps. We shall merely cite from the report of the Belgium Commission on War Crimes a few precise facts which support our original affirmation, to wit, that all acts involving ill-treatment which are imputed to the Gestapo in France were reproduced in identical manner in all the countries of Western Europe. The documents which we shall present to you are found in the small book of Documents, RS-318 and 319. It is 942-b in your small document book. It is the second document, and would therefore be on page 5.

This report comprises minutes which I will not read, inasmuch as it contains identical, or at least analagous, testimonies to those that were collected in France. However, on page 1 and page 2 you will find the statement made by Mr. Rogust Lammes and a statement made by Mr. Paul Desumel, which show that the most extreme penalties were inflicted on these men, and that when they emerged from this place of the Gestapo, they were completely disfigured and unable to remain on their feet.

And now I place before you with respect to Belgium Documents F-611a and F-611b, which now become, as a result, Documents 320 and 321. I shall not read them. They, too, contain minutes describing tortures analagous to those I have already described before you. If the Court will accept the cruelty of the procedures for tortures employed by the Gestapo as having been established, I will abstain from reading further testimonies which have been collected.

In the case of Norway we have information which comes from a document of the Norwegian Government in connection with the punishment of major war criminals The French translation of this document is on page 79. We place it before you under No. 243. On page 2 of this document you will find -- and it is also to be found in the small book of documents -- the statement that enumerates that Norwegian citizens died.

THE PRESIDENT: What is the number on the document?

M. DUBOST: UK-79. It is the first one.

On page two of this UK-79 the Tribunal will find the statement of the Norwegian Government according to which numerous Norwegian citizens died from the cruel treatments inflicted upon them during their interrogation. The number of known cases for the one district of Oslo is 52. The number in the various regions of Norway is undoubtedly much higher. The total number of Norwegian citizens who died during the occupation in consequence of tortures or ill-treat-

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ment or execution or suicide or in concentration camps is approximately 2,100.

In paragraph b, page 2 of the document, there is a description of the methods employed in the services of the Gestapo in Norway, which methods were identical to those I have already described before you.

In the case of the Netherlands, we shall place before you Document S-224, which, as a result, becomes French Document No. 324, which is extracted from the statement of the Netherlands Government for the prosectuion and punishment of the principal German war criminals. This document bears the date of 16 January, 1946. It has been distributed and should now be in your hands. The Tribunal will find in this document a great number of testimonies which were collected by the criminal investigation department, all of which are related uniformly to ill-treatment and similar tortures as those you already know, and which are imputable to the services of the Gestapo in Holland. In the Netherlands, as elsewhere, the accused were struck with sticks. When their backs were completely raw from the beating they were sent back to their cells, and sometimes they were exposed to electrical currents. A witness beheld with his own eyes at Norfolk a prisoner who was a priest and who was beaten to death with a rubber bludgeon. The systematic character of such torture has been definitely established, and the document of the Danish Government is the beginning of the proof in support of my thesis that this systematic character was deliberately willed by the higher authorities of the Reich, of the German Government, and so they are responsible for it. In any event, these systematic tortures were certainly known by the leaders of the German Government, since from all European countries there were protests against such procedures which plunged us back to the darkness of the Middle Ages. At no time did an order come to forbid such methods. At no time were those who executed them disavowed by their superiors. The methods of instructions were in themselves a factor which was destined to reinforce the terroristic nature of the policy pursued by Germany in the occupied countries -- a terroristic nature to which I have already referred and which I have described before you when I dealt with the problem of hostages.

I should now specifically designate to you by name who among the accused were before you, those whom France considers, and other countries as well in the West, as the principal guilty men for the preparation and development of this criminal policy with respect to the deeds of the Gestapo. We say that Bormann

and Kaltenbrunner, because of their function, more than others could not have ignored the acts of their subordinates charged with carrying out these policies. Although we are not in possession of any document signed by their hand with respect to the Western countries, the unity of the facts we have presented before you, the fact that they are analagous and also of an identical character inspite of the diversity of the location, enables us to assert that all these orders were willed by a single human will, and among the accused who are before you Bormann and Kaltenbrunner are specifically designated.

All I have developed before you has to do with the procedure prior to the judgment. We know with what ferocity this procedure was applied. We know that this ferocity was willed. It was known by the populations of the invaded countries, and its purpose was to create a veritable atmosphere of terrorism around the Gestapo and all the police services of the Germans.

After the judicial interrogation came the judicial proceeding. Then the judgment. This judgment, was as we see, only a parody of justice. The prosecution was based on a legal concept which we set aside as being absolutely inhuman. That part will be dealt with by my colleague, M. Edgar Faure, in the second part of the expose of the atrocities in the West; that is, crimes against the spirit. It is sufficient for us to know that German jurisdictions before whom crimes were placed involving the citizens of the Western Countries did not believe in and never applied anything but one penalty, and that was death.

This was in consonance with the inhuman orders of one of these men, Keitel, an order which appeared in Document L-90, placed before you under No. USA 224.

THE PRESIDENT: What is the number of the document?

M. DUBOST: USA 224. It has already been placed before the Tribunal by my colleagues of the United States, under number USA 224. It is the penultimate in your document book. That is, in the large document book. Line 5:

"For acts of this character, penalties involving deprivation of liberty can be considered, as one can not obtain an efficacious result except by the application of the penalty of death or by measures that will maintain the population in ignorance as to the fate of the guilty men. For this purpose, we shall develop deportation to Germany."

Is it necessary to present any comment? Can we be startled at seeing this war leader giving orders to justice? What we know

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of him since yesterday causes us to doubt the fact that he is merely a military leader. We have cited to you his own very words: "You can not obtain efficacious results except through the penalty of death." Such orders given to justice--are these in conformity with military honor. In Document 90, "The Tribunal will decree the penalties of death. If you can not decree the penalty of death, send them to Germany on deportation."

Surely when such orders are given to a tribuanl, one can no longer speak of justice.

To carry out this order, those among our compatriots who were not condemned to death and executed were deported to Germany, and we come, therefore, to the third part of our thesis, which falls upon me. We come now to the problem of deportations.

I should explain to you under what circumstances the deportations were carried out. If prior to that your Tribunal could suspend the audience for a very few minutes, I should be very grateful to you.

THE PRESIDENT: How long would you like us to suspend?

M. DUBOST: Perhaps five minutes.

THE PRESIDENT: Four minutes.

(Whereupon the Tribunal recessed from 1451 hours to 1500 hours.)

DR. NELTE (For the defendant Keitel): The French Prosecutor just now produced document 90, the so-called "Nacht und Nebel Decree." That means that he cited this document and cited the words that a deterrent example could only be reached through the death penalty or through other measures which would keep the population and family of the accused in darkness--that they would not know about it. The French Prosecutor mentioned that these are the words of Keitel.

According to a prior judgment by the Bench, attention was called to the fact that it is not permissible to quote only a part or a portion of the document when through so doing a wrong impression might be created.

The French Prosecutors will agree with me when I say that the Decree, L-90, in a specially clear way brings to expression that it was not in this case the Chief of the OKW speaking, but Hitler. In this brief citation, it is mentioned.

"It is the long-determined will of the Fuehrer that in occupied countries, as far as attacks on the Reich or against the occupying power are concerned,

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the people who are doing this are to be met with other measures than before. The Fuehrer is of the opinion that for such acts, penalties against liberty and life-long house of correction will be put into effect, and in connection with this, an effective and confident deterrent is only to be created through the death penalty."

In conclusion, the Decree read:

"And the policies to be followed are to be in line with the opinion and the attitude of the Fuehrer."

They were acknowledged and approved by him, and I take the liberty to point to this fact, especially since this decree, which is called the notorious "Nacht und Nebel Decree", was in itself and in its execution, not recognized by Keitel and is denied by him.

M. DUBOST: I did not read the decree in extenso. I did know that the accused Keitel had signed it and that Hitler had conceived it. Therefore, I have made an allusion to military honor of this general, who was not afraid to become the lackey of Hitler.

THE PRESIDENT: The Tribunal understood from your mentioning of the fact that the document had already been submitted to the Tribunal, and does not think that there was anything misleading in what you did.

M. DUBOST: If the Tribunal accepts this, we shall proceed to the hearing of the witness, a Frenchman.

THE PRESIDENT: This is your witness that you wish to call, is it?

M. DUBOST: Yes.

M. MAURICE LAMPE, a witness called by the French Prosecution, takes the stand.

THE PRESIDENT: What is your name?

THE WITNESS: Lampe, Maurice.

THE PRESIDENT: Will you repeat this after me: Do you swear to speak without hate or fear, to say the truth, all the truth, only the truth.

(The witness repeats the oath in French.)

THE PRESIDENT: Raise the right hand and swear.

THE WITNESS: I swear.

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THE PRESIDENT: Spell the name.

THE WITNESS: L-A-M-P-E.

THE PRESIDENT: Thank you.

(The witness was examined as follows by M. Dubost.)

Q You were born in Rubais on the 23rd of August, 1900; you were deported by the Germans?

A Yes.

THE PRESIDENT: You can sit down if you wish.

Q You were interned in Mauthausen?

A That is correct.

Q Will you testify as to what you know concerning this internment camp?

A Quite willingly.

Q Say what you know.

A I was arrested on the 8th of November, 1941. After two years and a half of internment in France, I was deported on the 22nd of March 1944 to Mauthausen in Germany.

The journey lasted three days and three nights under conditions particularly ignoble--104 deportees in a cattle car. I do not believe that it is necessary to go into details of this journey, but one can well imagine under what conditions we arrived on the morning of the 25th of March, 1944 at Mauthausen under twelve degrees of cold.

I mention, however, that from the French border on, we traveled naked in box cars.

When we arrived at Mauthausen, the SS officer who received this convoy of about 1,200 Frenchmen informed us in the following words which I shall quote from memory almost textually, "Germany needs your arms. You are, therefore, going to work, but I want to tell you that never again will you see your families. When one enters this camp, one leaves it by the chimney of the crematorium."

I remained about three weeks in quarantine in an isolated block, and I was then designated to work in a commando in a stone quarry. The quarry at Mauthausen, located in a hollow, was situated about 800 metres from the camp proper. To reach it, there were 186 steps to go.

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It was a particularly difficult Calvary because these steps going down to the hollow were made of unequal steps and had been so conceived that to go up without burden was already extremely wearisome.

That day, the 15th of April, 1944, I was detached to a team of 12 men, all of them French, under the orders of a general commando, who was a common law criminal, and also under the command of an SS.

We started our work at seven o'clock in the morning. At eight o'clock, one hour later, two of my comrades were already murdered. They were an old man, M. Gregoir from Lyon and a very young man, Lefer from the city of Tours. They were murdered because they had not understood the order given in German which designated these men for a task. Inability to understand the German language caused us very frequently to be beaten.

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In the evening of that first day - the 15th of April 1944, we had been told to go up with the burden of the two corpses, and the one that I carried with three of my comrades was that of Father Gregoir, a very heavy corpse, and we had to go up 186 steps with a corpse, and we were all beaten before we reached the top of the stairway.

Life in Mauthausen - and I shall cite in front of this Tribunal only what I have myself known, what I have seen, was a long cycle of torture and of sufferings. Still, I would like to recall a few scenes that were particularly horrible and remain more fixed in my memory.

In the course of September - I think it was on the 6th of September 1944, there came to Mauthausen a small transport of 47 officers, British officers and American and some Dutchmen. They were fliers who had parachuted down. They had been arrested after they had sought to return to their country. Because of this they were condemned to death by a German tribunal. Their incarceration went back to about one year. They were brought to Mauthausen to be executed there.

From the moment of their arrival they were transferred to the bunker for the Allies. They were dressed only with undergarments and a shirt. They were barefooted.

The following morning they answered the rollcall at seven o'clock. The commandos of the camp went to their tasks. The 47 officers were gathered before the Schreibstube and were told by the commanding officer of the camp that the penalty of death was upon them.

I must say that one of the American officers asked the SS commander that the sentence be applied to him as on a soldier. The reply was the following: He was beaten with a whip. He was beaten everywhere, and the 47 were led barefooted to the quarry.

Their murder remained for all those of Mauthausen a Dante-esque, Hellish vision. This is the manner in which they operated: At the bottom of the staircase they allotted on the shoulders of the unfortunate men stones. They hsd to go up to the very top. The first trip was made with stones weighing 25 to 30 kilos. Under the blows the first trip was made. Then they went

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down. They had to run. The second trip the stones were heavier still, and as the burdens crushed the wrteched men, the blows would be redoubled. Stones were hurled at them.

This spectacle was carried on throughout the whole day, and in the evening when I came back from the commando with the team with which I was then working, this road which led us to the camp was a path covered with blood. I almost stepped on a lower jaw of a man. Twenty-one bodies were there. Twenty-one had died on the first day. The twenty-six others died the following day.

I tried to sum up as much as I could this horrible episode. It was not possible, at least when we were in camp, to know the names of these officers, but I believe that since that time that has been accomplished.

In September 1944, again, we received a visit of Himmler. Nothing had been altered in the working of the camp. The commandos went to their tasks as usual, and I had occasion - and it was a sad occasion - to see Himmler from close by, and if I call this to your attention - this passing of Himmler through the camp - it was not, after all a great event; it was because that day they offered Himmler the execution of fifty Soviet officers.

I must say that I was then working in a commando of Messerschmidt, and was always there for the night shift. The blockhouse where I was lodged was just opposite the crematorium and opposite the execution room. We saw - I have seen these Soviet Army officers brought together according to their size, faced to my block on this square. They were called one by one. The road that led to the execution hall was relatively short. One stairway led there. The execution room was under the crematorium.

The execution which Himmler himself witnessed - at least the beginning of it because it lasted throughout the afternoon - was another particularly horrible spectacle. I repeat, Soviet Army officers were called one by one, and there was a sort oc hain created between the group which was waiting around and the man who in the stairway was hearing the shot which brought down his predecessor. They were all killed by a shot in the neck.

Q You were there personally? You witnessed this personally?

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A I repeat that on that afternoon I was in Block 11, which was situated opposite the crematorium, and if we did not see the execution itself, every shot reached our ears, and we saw the men who were condemend face to face with us, kissing one another before taking leave, going up in the stairway.

Q Who were these men who were condemned?

A The majority of them were Soviet officers, political commissars, or members of the Bolshevick party.

Q I beg your pardon, but there were officers among them?

A Yes.

Q Did you know where they came from?

A It was very difficult to know from what camp they came because, as a general rule, they were locked up as they arrived in camp. Either they were taken directly to prison or else to Block No. 20.

Q How did you know they were officers?

A Because we had the possibility of communicating with them.

Q Did all of them come from prisoner-of-war camps?

A Probably.

Q You din't really know?

A No, we really didn't know. It was a question of knowing the nationality of individuals by other details.

Q With respect to the British officers and American officers and Dutch officers, about whom you have just spoken to us who were executed in the stairway of the quarry, did you know where they came from?

A They were fliers, air corps officers. It is possible that their aircraft had been brought down. They might have parachuted and they sought clandestinely to rejoin their country.

Q Then it is a fact that at Mauthausen prisoners of war were executed, officers? That was a common occurrence?

A Yes, a very common occurrence.

Q Are you familiar with a few collective executions of the men incarcerated in Mauthausen?

A I know multiple examples.

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Q Could you cite a few?

A Besides those that I have already described, it is correct to recall the executions under a special method, of part of a convoy coming from Sachsahusen. This took place on the 17th of February 1945.

In face of the advance of the Allied armies different camps had been taken back toward Austria. A convoy of 2,500 internees left Sachsahusen. They arrived on the morning of the 17th of February at Mauthausen. There were about 1700 approximately. 800 had died from cold or had been brought down in the course of the journey.

The Mauthausen camp was at that time, if I may use this expression, really overcrowded. Therefore, from the very moment of arrival of these 1700 survivors of this convoy, Kommandant Dachmeier had 400 of them selected from among the group insisting that the sick and the old and the weak prisoners should come forward with the idea that they might be taken to the infirmary. These 400 men, who either were designated or were just simply

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selected were stripped entirely naked. It was 18 degrees below zero. For 18 hours they remained between the laundry building and the wall of the camp.

Q You saw that thing yourself, did you not? You are citing this as a direct witness?

A Exactly.

Q Where were you at that time?

A I was at Mauthausen. This scene lasted, as I said, 18 hours, and when we came in or out of the camp we had before our eyes the spectacle of these unfortunate men.

Q Very well. Will you please continue? You have spoken to us of the visit made by Himmler and the execution of Soviet Officers and People's Kommissars. Did you see German personalities frequently in the camp?

A Yes, but I can't give you the names.

Q You didn't know them. I must say that Himmler was somewhat special, but you did know they were eminent personalities?

A Yes, I did.

Q You did know that they were important personalities who were coming there?

A Indeed we did. First of all, the visit of these personages was always surrounded by a complete staff, and they went through part of the camp in the area near to the prison and in the prison itself.

If you will allow me, I'd like to go on with my explanation of the murder of these 400 people who came from Sachshausen. I was saying that after selecting the sick, the feeble and the older prisoners, Dachmeier, the Commander of the camp, gave orders that these men should be stripped entirely naked in a cold of 18 degrees below zero. Several of them were immediately struck by pulmonary infection, but it seemed to the SS that it wasn't going fast enough. Three times during the night these men were sent down to the showers,

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three times a half hour under freezing water. Then they had to come back outdoors again without having wiped themselves.

In the morning when the commando went to work the corpses were strewn over the area. Let me add that the last of them were completed with blows of an axe.

I now bring the most absolute testimony of a fact which can easily be verified. Among the 400 men I have mentioned there was one Captain in the French cavalry, Captain Dodionne, who today is a Major in the French Ministry of War. This man, this Captain, was among the 400. He owed his escape to the fact that he hid amongst the corpses and thus escaped the blows of the axe. When the corpses were taken to the crematorium he succeeded in skipping away by fleeing through the camp, not without having received a blow on the shoulder which has left an indelible scar for the rest of his life.

He was caught again. He owed his salvation to the fact that the SS found particularly pleasant that there should be a man alive running from a mass of corpses. We took care of him. We helped him, and we brought him back to France.

Q Do you know why these executions were carried out?

A Because there were too many people in the camp; because the internees were coming from all the camps that were folding back, and they could not be processed onward at a rhythm sufficiently rapid to place them with working commandos. The blocks were over-populated. That is the only explanation that was given.

Q Do you know who gave the order to exterminate British, American, and Allied officers that you saw put to death in the quarry.

A I believe that I stated that these officers had been condemned to death by German tribunals. Probably a few for many months prior to that were shipped to Mauthausen in order that the sentence might be carried out. It is probable that we are here dealing with an order from Berlin.

Q Did you know the conditions under which the wall was

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constructed? Would you please tell us that?

A Here quite objectively I must state that the construction of the revier preceded my arrival into the camp.

Q So you are giving us indirect testimony?

A Yes, indirect testimony. But all of the internees knew of it, including the SS themselves. The revier was constructed by the first Soviet prisoners who arrived in Mauthausen. Four thousand Soviet soldiers were massacred during the construction of these ten blocks of the revier or hospital. The memory of that massacre remained so sharp that never at Mauthausen did anyone call the revier or hospital by any other name than by "Russian Camp." The SS themselves called the revier the "Russian Camp."

Q How many Frenchmen were at Mauthausen?

A We were in Mauthausen about 10,000 Frenchmen, including the Commando.

Q How many of you came back?

A Three thousand of us came back.

Q There were some Spaniards with you also.

A The Spaniards arrived in Mauthausen in 1941 toward the end of the year. When we left at the end of April, 1945, there were still about 1,600. All the rest had been exterminated.

Q Where did these Spaniards come from?

A These Spaniards came from labor companies which had been organized in 1939 and 1940 in France or were delivered by the Vichy Government to the Germans.

Q Is this all you have to tell us?

A With the permission of the Tribunal, I would like to cite another example of an atrocity which remains clearly in my memory. This took place also during September, 1944. I am sorry if the date is not quite accurate in my memory. What I do know is that it was on a Saturday, because on Saturday at Mauthausen all the outside commandos had to answer evening roll call inside of the camp. That

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took place on Saturday night, and also there was another roll call on Sunday morning.

On that Saturday evening roll call was prlonged more than ordinarily. Someone was missing. After a long wait and searches made in the various blocks they found a Russian, a Soviet internee, who perhaps had fallen asleep, had forgotten to answer roll call; whatever the reason we have never known, but he was not present at roll call. Immediately the dogs and the SS went toward the unfortunate man, and before the whole of the camp--I was at the very front row, not because I had sought this, but because that is the way the arrangements were--we witnessed the fury of the dogs let loose upon this unfortunate Soviet man. He was torn to shreds in the presence of the whole camp.

I should add that this man, in spite of the suffering, was particularly worthy and noble in his attitude.

Q What kind of conditions weren't placed on all prisoners? Was there any difference according to the nationality or the origin of the prisoner? Or perhaps their racial background--would that cause any distinction to be made amongst them?

A As a general rule the camp had a uniform regime for all nationalities, with the exception of the quarantine

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blocks and the annex political blocks. The conditions under which we worked, the selection of the commandos to which we were assigned, sometimes permitted some of the guards to accentuate the harsh treatment. As to the things that we were able to obtain, those who worked in the kitchen or in the stores or other places where supplies were available naturally had more than others.

Q What about the Jews? How did they work? Under what conditions?

A At Mauthausen the Jews had the hardest of the commandos. I must call attention to the fact that until December 1943 the Jews did not live more than three months in Mauthausen. There were very few of them at the end.

Q What happened in that camp after the murder of Heydrich?

A There is in this connection a particularly dramatic episode. Mauthausen included 3,000 Czechs, 600 of whom were intellectuals. After the murder of Heydrich the Czech colony in the camp was exterminated with the exception of 300 from the 3,000, and six intellectuals from the 600 that were in the camp.

Q Did anyone speak to you of scientific experiments?

A They were commonplace at Mauthausen, as they were in other camps. But we have testimony which I think has been recovered: the two craniums which were used as paper weights for the chief SS medical officer. These craniums came from two young Dutch Jews who had been taken from a convoy of 800 selected because they had fine teeth.

The SS doctor to make this selection had let it be believed that these two young Dutch Jews would not be exposed to the fate of their comrades on the convoy. He had said to them "Here the Jews do not live. I need two healthy, solid, strong men to make surgical experiments. You have your choice; either you will accept that these experiments be performed on you or else you will have the fate of others."

These two Jews were brought to the hospital, and they underwent, one of them, the removal of his kidney, the other the removal of his stomach. Then they were inoculated in the heart with benzin. They were decapitated, and I have told you that the two craniums had fine sets of teeth, and they could be seen until the time of the liberation on the desk of the chief doctor of the SS.

Q At the time of Himmler's visit -- I'd like to come back to that -- you are certain that you recognized Himmler and you saw him presiding over the

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executions. Do you think that what was taking place in Mauthausen could be ignored, could be unknown by members of the German Government? The visits that you knew about, were they visits by the SS, or were they simply other personalities?

A For the first of your questions, we all knew Himmler, and if we hadn't known him everyone knew in the camp, and the SS told us, that this visit was anticipated. We were told of that a few days earlier. He was present at the beginning of the executions of these Soviet individuals. I said a little while ago that this execution lasted throughout the whole afternoon so he didn't remain until the end.

With regard to -- will you tell me your second question again?

Q Is it possible that only the SS came to the camp, or was the camp visited by other personalities other than SS? Did you know the SS uniforms? The people you saw, the authorities whom you saw -- did they all wear the same identical uniform?

A The personalities that we have seen at the camp were, generally speaking, soldiers, that is, officers. More recently, a few weeks before the liberation, we had a visit from the Gauleiter of the Oberdonau. We also had frequent visits from members of the Gestapo. But the people, that is, the Austrian population, were perfectly aware of what was going on at Mauthausen. The commandos were nearly all external commandos, commandos from the outside.

I said a little while ago that I was working at Messerschmidt. The leaders were German civilians who were mobilized. In the evening they went back to their families. They knew quite well our sufferings and the conditions in which we were. They frequently saw in the shop individuals summoned from the shop to be executed,

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and they were witnesses of the most of the massacres that I mentioned a little while ago.

I should add that we received - I am sorry to use this expression - there arrived once in Mauthausen 30 firemen from Vienna. They were locked up for having participated in some sort of labor activity. The firemen from Vienna told us that in Vienna when one wanted to frighten children they were told "If you are not a good boy I will send you to Mauthausen."

Perhaps it is a detail, but this detail is more important. One-fourth of Mauthausen was situated in the village, and every night the chimneys of the crematorium could throw their light in the sky over the whole region, and everyone knew the use to which the crematorium was put.

Another detail, the town of Mauthausen was situated five kilometers from the camp. The convoys of deportees were brought to the station of the town. The whole population could see the parade of these convoys. The whole population knew under what conditions these convoys were brought and taken to the camp.

THE PRESIDENT: Does the Soviet prosecutor wish to ask any questions?

GEN. RUDENKO: I should like to ask a few questions.

BY GEN. RUDENKO:

Q Can you tell me, witness, who ordered the execution of the 50 Soviet officers?

A The case that has been cited of the 50 officers, I know not the reasons for their condemnation or for their execution, but as a general rule, all the Soviet officers, all the Political commissars, or known members of the Bolshevist Party, were executed in Mauthausen. If a few among them succeeded in getting through it is because their identity was not known to the SS.

Q You have told us that at the execution of the 50 Russian officers, Himmler was present.

A I certify to the fact, because I have seen him with my own eyes.

Q Can you give us any details about the 4,000 Soviet prisoners of war which you have mentioned?

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A I could not add much to what I have said, except that these men were assassinated in their job because probably the burden placed upon them, as far as requirements were concerned, the lack of food to which they were subjected did not permit them to carry out the tasks assigned to them. They were murdered on the spot with sticks - beatings from sticks, and sometimes just shot down by the SS or sometimes they were obliged to go to the wires, and they were brought down by the guards. I cannot give more details, since, as I said, I was not a witness, visual witness, of that scene.

Q It is quite clear. And one more question: Can you tell me in detail about the relation of the Czech colony?

A The same reservations must be made that I voiced a moment ago. I was not in the camp at the time of the extermination of the 3,000 Czechs, but the Czech survivors with whom I had relations in 1944 were unanimous in certifying to the accuracy of this fact, and probably as far as their own country is concerned have established a list of these murders.

Q If I understood you correctly, where you were there was a right to kill people and to shoot people without any jurisdiction?

A That is exactly a fact. The life of a man at Mauthausen counted for absolutely nothing.

GEN. RUDENKO: Thank you.

THE PRESIDENT: Does any member of the Defendants Counsel wish to ask any questions of this witness? Then the witness may retire. Wait a minute: one moment.

BY THE TRIBUNAL (Mr. Biddle):

Q Do you know how many guards there were at the camp?

A The guard was varied in number, but there was, as a general rule, 1,200 SS and also soldiers of the Volkssturm. However, it should be stated that only 50 to 60 SS were authorized to come inside the camp.

Q Sixty SS men? Were they SS men that were authorized to go into the camp?

A Yes, they were.

Q All SS men?

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A All of them were SS.

THE PRESIDENT: Then the witness can retire.

M. DUBOST: With your permission, we shall proceed with the presentation of our case on German atrocities in the western countries of Europe from 1939 to 1945 by introducing in regard to this testimony all of the details which prove common law crimes. This general idea on which we are going to base our whole thesis of terrorism by Germany was conceived as a means of exercising government over all the people who had been subjected to German domination.

We shall remember the testimony which was brought before you by the French witness, according to which, in Vienna, when one wishes to frighten a child one says to them something about Mauthausen.

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The people who were arrested in the western countries were therefore deported to Germany, where they were placed in camps -- locked in camps or in prison. With regard to the prisons, the information that we have concerning them has been taken from the official report of the Ministry of Prisoners of War, which we have already given, and which is this bound volume which was placed in your hands this morning. You will find therein, specifically on page 35 and page 36, down to page 42, a detailed statement as to what the prisons were like in Germany.

THE PRESIDENT: 174?

MR. DUBOST: I beg your pardon. It was 274, on page 35. The Tribunal may read that the prison of Cologne where numerous Frenchmen were interned, was placed between the freight station and the main station, so that the Prosecutor in Cologne wrote in a report, which is used by the Ministry of Deportees and Prisoners of War in the book which is before us, that the location of that prison is so dangerous that one could not instal a factory in that area; the internees could not seek shelter during the bombardment. They remained in their block, locked in even if fire developed.

The victims of bombardment in the prisons themselves were numerous. The May 1944 bombardment killed 200 victims in the prison of Alexander Platz in Berlin.

The buildings were always dirty, damp, and very small. The internees were three or four times as numerous as the facilities permitted in Aix-la-Chapelle. In Munster the women who were there in November 1943 lived underground without any air. In Frankfurt the internees had sort of iron cages, two metres by one fifty metres for cells. Any hygiene was impossible. At Aix-La-Chapelle, as in many other prisons, the internees had only one bucket in the middle of the room, and it was forbidden to empty it during the day.

The food ration was extremely limited. As a general rule, ersatz coffee in the morning with a thin slice of bread; a soup at noon; a thin slice of bread at night with a little margarine or sausage or marmalade.

The internees were exposed to extremely heavy labor. Whatever the work

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that was carried out, the duration required, the day's labor, was about twelve hours. At Cologne, specifically, from 7 o'clock in the morning to 9 O'clock or 10 o'clock in the evening, that is to say, 14 or 15 consecutive hours. This is still from the file of the Public Prosecutor of Cologne, Document No. 87 of the Ministry of Prisoners. There was a shoe factory. Most of the workers were Frenchmen who had refused firmly to work in war industry; for example, the fabrication of gas masks, sliding guns for shells, radio or telephone apparatus intended for the Army. In such cases Berlin gave orders to send the recalcitrants to reprisal camps. For example, the shipment of women from Kottbus to Ravensbruck on 13 November 1944. The Geneva Convention was, of course, not applied.

The political internees frequently had to retrieve unexploded bombs. This is a German official text from the Public Prosecutor of Cologne.

There was practically no medical supervision. There was no prophylactic measure taken in these places in the event of epidemics, or else the SS doctor knowingly and willingly gave the wrong kind of medicine to the patients.

At the prison of Dietz on Lahn, under the direction of Director Gammradt, who was a former major in the German Army, the SS or SA guards fought the internees savagely. Dysentry, diphtheria, pulmonary lesions, pleurisy, were not any reason for stoppage of work, and those who were gravely ill were forced to work until the very limit of their strength, and they were only admitted in the hospital as an exception.

In Aix-La-Chapelle the presence of a Jewish internee in the cell caused the other internees to lose half of their ration. You had to go to toilets on order. At Magdebourg any recalcitrants had to make one hundred genuflexions before the guards. The interrogations were carried out in the same manner as in France, that is, with brutality and also were a complete farce.

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At Asperg the doctor had innoculated the heart of an internee which caused death. At Cologne there was a worker condemned to death who was perpetually in chains. At Sonnenburg those who were dying were put away by the absorption of greenish liquor. In Hamburg six Jews were forced to dig their own graves until exhausted, and they fell within the grave. We are speaking of Frenchmen, Dutchmen, Luxembourgers and Danes interned in German prisons. These methods were only applied on citizens of those countries in the Prison of Boers in Berlin, and at which place Jewish babies were massacred under the eyes of their mothers. The number of sterilizations of men is confirmed by German documents in the file of the prosecutor of Cologne. He had foreseen the victims could not be sent back and re-interned in their military territories. These files include documents which show the role played by children who were in prison. They had to work inside the camp, and the German functionary of the penitentiary service required instructions as to the decision to be taken with regard to Baby Fairwell, which was brought to the prison at the same time as that of the father and mother. That was the surveillance personnel, page 39, last paragraph. They were recruited amongst the NSKK and the SA because of their political views. They were above any suspicion and applicability to a harsh discipline. This is also from the public prosecutor at Cologne.

This is at Rheinbach. Those who were condemned and who were intended to be executed in Cologne were left for dead, as the result of blows which were inflicted upon them by the guards as a result of the above-mentioned discipline, and we can easily imagine the brutality of the men who were in charge of the internees. As a result of the executions, the German official text will furnish what comprises these executions in detail; those who were condemned were executed with brutality. Nearly all the condemned were surprised, say the German documents which we are analysing for you as charged; that they didn't like accusations and not charged for acts of patriotism. They were declared internees and they thought they deserved to be treated as soldiers.

Of those who were executed in Cologne, there was some children eighteen and nineteen years of age, and one woman. There were some French women who were political internees were selected from the Lubeck Jail to be executed in Hamburg, but the grounds of all accusations were almost a new identical. The files are incomplete, but we do believe that the prosecutor of Cologne, in any event, that the offenses committed were of militaristic nature, rendered to the assistance of the enemy, and all deals were systematically rejected, and

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they were rejected by some actions.

However, in the many times available, the condition of the people held in prison were still less cruel by far than those who had the misfortune of being sent to a concentration camp. These concentration camps the Tribunal are already familiar with them, my colleague from the United Nation having already submitted to you a long explanation of this problem, and, then the Tribunal will remember that they have had under their very eyes a map indicating the exact locations of every one of the camps which existed in Germany, and in the occupied countries. We shall not, therefore, return to the geographical distribution of the camps.

With permission of the Tribunal, for this evening I should like to deal with the conditions under which Frenchmen and Nationals of the Western Occupied Countries were taken to those camps. At the time of the deportment of internees who were the victims of arbitrary arrest, such as those that I have already described to you this morning, were brought together in France in prisons, or in assembly camps.

The main assembly camp in France was at Compiegne. It is there that most of the deportees would be shipped, and from there away to Germany. There are still two more assembly camps, Pithiviers, specially a camp for Jews, and Drancy. The conditions under which the people were interned in those camps and were living were rather similar to those prevailing for internees in the German prisons. With your permission I shall not insist on naming them, and perhaps the Tribunal will consider as established the declaration made by Mr. Belchmall and Mr. Jacob in document No. 457, which I am now placing before you under No. 328.

THE PRESIDENT: What book is it in?

MR. DUBOST: 11th. That is in the 11th group of papers in the new file, in the new book.

THE PRESIDENT: It is the book that is described as "deportation"?

M. DUBOST: That is correct. It is entitled "Deportation" and it is the 11th document, the 11th paper in the book.

THE PRESIDENT: The index perhaps does not include that. 457 is it?

M. DUBOST: 457.

THE PRESIDENT: Yes, I got it.

M. DUBOST: To avoid lengthening and weighing down these debates with quotations of testimony, which after all are all similar, we shall limit

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ourselves for the present, if the Tribunal please, to the reading of passages from the testimony of Jacobs -- Madame Gilberte Jacob. As to what was the attitude of the German Red Cross, this passage is to be found on page four at the very bottom of the French document, "We received a visit of several German and French personalities, such as Stuelpnagal, Du Paty de Clam, and Col. Bar en von Berg, vice president of the German Red Cross." This von Berg was very "protocolaire" and very spectacular. He constantly wore the small insignia of the Red Cross, which didn't prevent him being inhuman and a thief.

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And on page 6, the penultimate paragraph, Colonel Von Berg was, as we have already said earlier, very spectacular.

I skip two lines, to the last three lines of the penultimate paragraph:

"In spite of his title of Vice-president of the German Red Cross, he dared to wear theinsignia when he would select, by chance, the number of our comrades who were deported."

On the assembly center of Compiegne, the Tribunal will find that, in Document F-174, pages 14 and 15, there will be some details on the fate of the internees. I don't think it is necessary to read them.

In Norway, in Holland, and in Belgium there were, as in France, assembly camps. The most characteristic of these camps is their best known, certainly the Breendonck Camp in Belgium, about which it is necessary to give a few precise details to the Tribunal because a great many Belgians were interned there and they died of privation, of hardship, torture of all sorts, and were executed either by shooting or by hanging.

This camp was established in the Fortress of Breendonck after 1940, and we are now extracting, from a document that we have already deposited under No. F-231, which is also known under UK-76, a few precise details on the conditions prevailing in that camp. It is the fourth document which appears in your new document book. It is marked F-231, and is entitled, "Report on the Camp of Concentration of Breendonck."

THE PRESIDENT: What did you say the name of the camp was?

M. DUBOST: Breendonck, B-r-e-e-n-d-o-n-c-k.

We will ask the Tribunal to be kind enough to grant us a few minutes. Our task is to present with more detail the case of this camp because of the considerable number of Belgians who were interned there and the rather special character that internements had in that camp from the month of August 1940.

THE PRESIDENT: Are you asking for an adjournment now or not?

M. DUBOST: Not at all, Mr. President. It must have been very badly translated. It must have been very poorly translated. I was, on the contrary, asking the Tribunal to grant me more time. The translation was liberal.

The Germans occupied that fort in the month of August 1940, and they

brought their internees there in the month of September. They were Jews. The Belgian Government could not know how many people were interned from September 1940 to the month of August 1944, which was the date of the evacuation of the camp. Nevertheless, it is thought that there came through the camp of Breendonck about 3,000 to 6,000 internees. About 250 died in there from privation; 450 were shot, and 12 were hanged.

But we must take into account the fact that the majority of the prisoners in Breendonck were transferred to the camps of Germany at various times. Most of these prisoners thus transferred did not return. There should, therefore, be added to those who died in Breendonck, all those who did not survive their captivity in Germany.

The camp sheltered various categories of prisoners: Jews -- and in this connection the regime was more severe than for the others -- Communists and Marxists who were interned in rather large numbers, but those who conducted the inquiries did not give precise detail; persons who belonged to the resistance in the various countries; individuals who were denounced to the Germans; hostages, among whom --

THE PRESIDENT: (Interposing): Where are you now?

M. DUBOST: The fourth paragraph of the second page, part b on page 2.

-- hostages, among them Mr. Bouchery, former Minister, and Mr. Van Kesbeek who was a liberal deputy, who were interned there for ten weeks in order to expiate the explosion of a grenade on the main square of Malines. Both of them died after their liberation as a result of their ill treatment which they endured in that camp.

There were also in that camp some black market operators, and the Belgian Government said of them that they were not mistreated, and they were, indeed, favored. That isin paragraph (e) ofpage 2.

The prisoners were obliged to work. Collective punishments of most repugnant sorts were inflicted on them for any reasons whatever. One of such punishments consisted of forcing the internees to crawl under the beds and to stand up by command, a movement which can be executed to the accompaniment of whipping. You will find that at the top of page 3 of the first paragraph.

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In the second paragraph of the same page is a description of the conditions of the prisoners interned. They were isolated from other internees, and they were subjected to a very severe regime in their cells. They were forced to wear a hood each time they had to leave their cells or when they had to be placed in contact with other prisoners.

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THE PRESIDENT: This is a long report, is it not?

M. DUBOST: That is why I am summarizing it rather than reading it, but it seems to me it is necessary not to be too brief in summary because it was given to me by the Belgian Government, and they attach a great deal of importance to the brutalities and atrocities that were committed by the Germans in the Camp of Breendonck and upon the whole of the population, and particularly the Belgians suffered.

THE PRESIDENT: Then you are summarizing it?

M. DUBOST: I am now proceeding with the summarizing of it, Mr. President. I had reached in my summary the description of the life of the prisoners who were interned and who, at times, carried manacles and chains on their feet. They could not leave their cells without wearing a hood.

One of these prisoners, Mr. Paquet, states that he spent eight months under such a regime, and having at one time sought to lift the hood which he wore in order that he might find his way, he was hit with a gun butt violently, and that broke three vertebrae in his neck.

On the following page is discipline labor, acts of brutality, and murders. We are told that the work of the prisoners consisted of dismantling the fort and removing the dirt from the embankments, in order to take this dirt to other areas and put it in the path around the [illegible]. This labor was done by hand, was very painful, dangerous, and caused the loss of a great many human lives.

Small lorries were utilized on rails. The lorries were hurled on rails by the SS and they would break the legs of the prisoners who were not warned of the fact that these lorries were approaching. The SS made a game of this, and the moment the work stopped they would rush upon the internees and beat them very harshly.

One page further we are told that frequently without motiviation--this is in paragraph 5, in the middle of the page--prisoners were

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thrown into the hollow surrounding the fort. According to the report of the Belgian Government, tons of prisoners were drowned there in the gully. Certain prisoners were killed. After they had been buried up to their neck, the SS completed the murder by hitting them either with the heels of their shoes or with sticks. The food and the clothing was in keeping with the discipline. We find in this report all the information that is given by all similar reports which I have already read before you.

The conclusion should be read in part, the second paragraph.

The former internees of Breendonck, many of whom who have known the concentration camps in Germany, Buchenwald, Neuengamme, Oranienburg, state generally that the conditions prevailing at Breendonck, from the point of view of discipline and food, was worse. They add that in the camps in Germany that were more populated, they felt less under the authority of their guards, and they had the impression that their lives were in less danger. The figures that we have given in this report are only minimum figures. To cite but one camp, which is in the last paragraph of the last page of the report: Mr. Verheirstraeten, former deputy, declares that he placed 120 people in their coffins during these two months, from December 1942 to January 1943. If one were to count the executions carried out between the 6th and 13th of January, which respectively caused the lives of 20 persons, then we must conclude that at that time, that is to say, within a period of two months, 80 persons at least died as a result of disease or ill treatment. From

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these camps the internees were transported to Germany in convoys, of which it is essential to give the description to this Tribunal. I let the Tribunal know, first of all, that in the case of France alone, excluding three departments of the Haut-Rhin, Bas-Rhin, and Moselle, there departed 326 convoys from 1 January 1944 to 25 August of the same year, that is to say, on an average of ten convoys per week. Now, each convoy carried away from 1,000 to 2,000 persons, and we know now, because we have heard our witness a little while ago, that in each car there were from 60 to 120 individuals, according to the situations of the moment. It seems that there left from France, excluding the three northern departments, three convoys in 1940, nineteen convoys in 1941, 104 convoys in 1942, 257 convoys in 1943.

What are the figures given in document 274, page 15? That is in the book that was presented to you this morning. I beg your pardon. I said page 15, but I should have said page 14. These convoys nearly always left Compiegne or were immatriculated to the extent of 50,000 internees. In 1943 there must have been 78 convoys, and 95 convoys in 1944.

The purpose of these convoys was to terrorize the populations. It was already presented to the Tribunal that the families were to ignore what became of the people who were interned, and thus they were terrorized, but even more, they were for the purpose of collecting labor which was to assist German labor resources which was beginning to decline since the opening of the war against Russia. The conditions under which these convoys were made already prepared for a sort of selection for this labor, which constitutes the first stage of a new aspect of German policy which we now see appearing; that is the pure and simple extermination of all categories, active or intellectuals, whose political activities might be deemed dangerous to the Nazi leadership. These deportees who are locked in groups of 60 to 120 in each boxcar, whatever time of year, who can neither sit down nor crouch, will in the course of their journey receive no food whatever, nothing to drink. On this point we bring specifically the testimony of Dr. Steinberg, which was received by Lt. Col. Badin of the Research Service on War Crime in Paris, document No. 392, which we place under No. 330, which is the 12th in your document book, and at this time we shall read only a few paragraphs

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on page 2. Paragraph 3 - third from the bottom:

"We were grouped in boxcars, about 70 persons per car, in frightful conditions of hygiene. Our trip lasted two days. We, therefore, reached Auschwitz on the 24th of June 1942. It should be noted that we had received at the moment of departure no food, and that we lived during those two days on what little food we had taken with us from Drancy."

The deportees were at times refused water by the Red Cross. Testimony was received by the Ministry of Prisoners and Deportees, and this testimony is incorporated in document RF-274. That is the little book, page 18, paragraph 3, 4th and 5th line.

This now is a convoy of Jewish women which left the station of Bobigny on 19 June 1942. They travelled for three days and three nights, dying of thirst. At Breslau they begged the nurses of the German Red Cross to give them a little water, but this was in vain.

Moreover, Lt. Geneste and Dr. Bloch have given testimony on this particular fact and on other different facts which are related in document RF-321, entitled "Concentration Camps", which we have been able to deliver to you in three languages: French, Russian, and German, the English text having been exhausted. Page 21, at the top of the page:

"In the station of Bremen, water was denied to us by the German Red Cross, who stated that there was no water."

This is testimony by Lt. Geneste of O.R.T.J. With respect to this attitude of the German Red Cross, and in order to settle the subject once and for all, there is one more word to be said. Document 321 gives you - on page 162, paragraph 3 - the proof that it was an ambulance car bearing a red cross which transported the gas in iron containers destined for the gas chambers in the camp of Auschwitz.

THE PRESIDENT: The court will adjourn now until Monday.

(Whereupon at 1700 hours the hearing of the Tribunal adjourned to reconvene at 1000 hours on 28 January 1945).